



# CITY OF MEMPHIS

## COUNCIL AGENDA

March 15, 2005

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

**CALL TO ORDER by the Sergeant-at-Arms**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**CALL OF ROLL by the Comptroller**

**APPROVAL OF PREVIOUS MEETING MINUTES (March 1, 2005)**

## CONSENT AGENDA

**GENERAL ORDINANCE - FIRST READING** (none)

**GENERAL ORDINANCE- SECOND READING** (none)

**ZONING ORDINANCES - FIRST READING** (none)

**ZONING ORDINANCES - SECOND READING** (none)

**ENGINEERING** (none)

### **NOTATIONS FROM OPD**

1. **NOTATIONS** from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

A. Case No. PD 04-361cc – Glen Lakes PD Amended

Located on the southeast corner of Houston Levee Road and Gray's Creek Drainage Canal, extending to the west side of Pisgah Road, containing 5.54 acres in the Agricultural (AG) District and Common Open Space 'P' in Area 'B' currently governed by Glen Lakes Planned Development (P.D. 01-320cc)

Applicant: Mark Matthews Development, LLC and David Raffanti  
Homer Branan, III – Representative

Request: Planned development amendment to allow seventeen (17) additional single family homes within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

B. Case No. SAC 04- 612

Located between the west line of Manassas and the east line of Tully Street, containing 1.459 acres in the Multiple Dwelling Residential (R-MM) District

Applicant: Memphis Board of Education  
Homer Branan, III & Dedrick Brittenum, Jr. – Representatives

Request: Close and Vacate Street Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

C. Case No. SAC 04-630 – Wellington Street Alley Closure

Located on the north side of S. Parkway East; +150 feet east of Wellington Street, containing 2,213 square feet in the Single Family Residential (R-S6) District

Applicant: Christ Missionary Baptist Church  
Dedrick Brittenum, Jr., Attorney - Representative

Request: Close & Vacate Alley Street Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

D. Case No. SAC 04-631 – North Third Street Alley Closure

Located on the north side of Poplar Avenue; +148.5 feet east of N. Third Street, containing 3,673 square feet in the Central Business (CBD) District

Applicant: J. F. Shelton Trust  
SR Consulting, LLC (Cindy Reaves) – Representative

Request: Close and Vacate Alley Street Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

**ACTION REQUESTED: Set a date of public hearing**

**SUGGESTED DATE: April 5, 2005**

**GENERAL ITEMS**

- 2. RESOLUTION approving temporary street structures April 25 – May 30, 2005 from 6:00 a.m. to 11:59 p.m. for Memphis in May International Festival.

Sammons

ACTION REQUESTED: Adopt the resolution

- 3. RESOLUTION approving temporary street structures on July 3, 2005 from 6:00 p.m. to 9:30 p.m. for Time Warner Firecracker 5K Run.

Sammons

ACTION REQUESTED: Adopt the resolution

- 4. RESOLUTION approving temporary street structures on April 23, 2005 from 7:00 a.m. to 12:00 p.m. for Youth Villages 5K Run/Walk.

Sammons

ACTION REQUESTED: Adopt the resolution



# CITY OF MEMPHIS

## COUNCIL AGENDA

March 15, 2005

Public Session, Tuesday, 3:30p.m.

Council Chambers, First Floor, City Hall

125 N. Main Street

Memphis, TN 38103-2017

---

### APPEARANCE CARDS FOR PUBLIC SPEAKING

### ITEMS HELD OR DROPPED FROM THE AGENDA

## REGULAR AGENDA

### PRESENTATIONS AND RECOGNITION OF VISITORS

13. RESOLUTION proclaiming Friday, January 28, 2005 as "Benjamin L. Hooks Day.",  
Hooks (Held from 2/1;3/1)

ACTION REQUESTED: Adopt the resolution

14. RESOLUTION celebrating the life of the Honorable Judge James E. Swearengen.  
Hooks & Mitchell

ACTION REQUESTED: Adopt the resolution

15. RESOLUTION proclaiming April 1, 2005 "Ride the Ducks Day".  
Peete

ACTION REQUESTED: Adopt the resolution

### GENERAL ORDINANCE - THIRD AND FINAL READING

16. ORDINANCE to amend Chapter 15, Section 1-5, Code of Ordinances, City of Memphis to provide for the disposal of personal property discarded onto City right-of-ways, easements or property owned or maintained by the City after an eviction or setout and the disposal of personal property abandoned or left on premises, up for T H I R D and F I N A L reading. (Held from 2/1; 3/1)

Holt

Ordinance No. 5091

Director of Public Works recommends approval

ACTION REQUESTED: Take whatever action Council deems advisable

### EXECUTIVE DIVISION (none)

### FINANCE & ADMINISTRATION

17. RESOLUTION appropriating \$200,000.00 in G.O. Bonds for The Girls Incorporated of Memphis (PS01011) in fiscal year 2005 in order to promote a vision of confidence and self-sufficiency and to provide the means for making the vision a reality for girls.

Lowery

ACTION REQUESTED: Adopt the resolution

### DIVISION OF FIRE SERVICES (none)

### DIVISION OF GENERAL SERVICES (none)

### DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

18. RESOLUTION setting forth proposed initiatives regarding fair housing and property development which shall be implemented in all HCD funded programs.

Holt

ACTION REQUESTED: Adopt the resolution

**DIVISION OF HUMAN RESOURCES** (none)

**LAW DIVISION** (none)

**DIVISION OF PARK SERVICES** (none)

**DIVISION OF POLICE SERVICES**

- 19. RESOLUTION amending the FY 2005 Capital Improvement Budget by transferring an allocation and appropriation of \$463,553.00 funded by G.O. Bonds General in Expand Vehicle Storage, CIP Project Number PD04001 from Land Acquisition to Contract Construction. Resolution also seeks to appropriate \$1,235,047.00 funded by G.O. Bonds General in Expand Vehicle Storage, CIP Project Number PD04001 for the Expand Vehicle Storage Grading Package.

Sammons

ACTION REQUESTED: Adopt the resolution

- 20. RESOLUTION amending the FY 2005 Capital Improvement Budget for CIP Project Number PD 02003, Traffic Precinct, by transferring an allocation of \$8,500.00 funded by G.O. Bonds General from Furniture and Fixtures to Information Technology; request to appropriate \$739,800.00 funded by G.O. Bonds General for construction; also seeks to appropriate \$46,000.00 funded by G.O. Bonds General for the Furniture, Fixtures, Computer and Telephone Systems. This funding is for Dog Squad Facility.

Sammons

ACTION REQUESTED: Adopt the resolution

- 21. RESOLUTION accepting grant funds in the amount of \$20,000.00 from the National Association of Police Athletic League and amends the FY 2005 Operating Budget to appropriate grant funds.

Sammons

ACTION REQUESTED: Adopt the resolution

**DIVISION OF PUBLIC SERVICES** (none)

**DIVISION OF PUBLIC WORKS**

- 22. RESOLUTION appropriating \$481,733.00 in G.O. Bonds for ADA Wheelchair Ramps, Project Number PW04007 for a construction contract with Dixieland Contractors.

Hooks

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 23. RESOLUTION appropriating \$20,000.00 in G.O. Bond Funds for Overton Crossing/Hawkins Mill, Project Number PW01002 for the removal of underground tank by EnviroRem, Inc.

Hooks

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

**ZONING ORDINANCES - THIRD AND FINAL READING**

- 24. **ORDINANCE** rezoning the northwest corner of Brunswick Road & Phillip Road, containing 5.08 acres in the Agricultural (AG) District, up for T H I R D and F I N A L reading.

Peete

Applicant: Artis Parker  
Doveland Bldg. & Eng. Co. – Representative

Request: Local Commercial (C-L) District

LUCB and OPD recommendation: APPROVAL, of Neighborhood Commercial (C-N) District

ACTION REQUESTED: Take whatever action Council deems advisable

**35 NOTICES MAILED ON MARCH 4, 2005**

25. **ORDINANCE** rezoning the West side of Pisgah Road; +/-4,323 feet south of Latting Road, containing 2.02 acres in the Agricultural (AG) District, up for T H I R D and F I N A L reading.

Peete

Ordinance No. 5095  
Case No. Z 04-142cc

Applicant: Erric P. Little  
Erric P. Little – Representative

Request: Single Family Residential (R-S15) District

LUCB and OPD recommendation: APPROVAL, of the Single Family residential (R-S15) District

ACTION REQUESTED: Take whatever action Council deems advisable

**36 NOTICES MAILED ON MARCH 4, 2005**

**DIVISION OF PLANNING & DEVELOPMENT**

26. **RESOLUTION** to submit a grant application to the State of Tennessee Department of Economic and Community Development Fasttrack Infrastructure Development Program in the amount of \$350,163.00 to install underground electrical duct banks at Saint Jude Children’s Research Hospital-Integrated Patient Care and Research Building (IPCRB) located on Jackson Avenue and its new 8-story parking garage along North Parkway.

Jones

ACTION REQUESTED: Adopt the resolution

**PUBLIC HEARINGS**

27. **RESOLUTION** approving an appeal located on the westside of South Highland Street, 299 feet south of Central Avenue.

Peete

Case No. PD 99-335

Appellant: East Buntyn Historic District Neighborhood Association

Request: Overturn the decision of the Memphis/Shelby County Land Use Control Board on January 13, 2005 in which the Board granted the Highland Street Church of Christ a one-year time extension for the previously approved planned development which permits 107 multi-family units and two lots for single-family homes

LUCB and OPD recommendation: APPROVAL of Time Extension

ACTION REQUESTED: Take whatever action Council deems advisable

**87 NOTICES MAILED ON MARCH 4, 2005**

28. **RESOLUTION** approving an appeal located on the north side of Winchester Road, 510 feet west of Hacks Cross Road.

Peete

Case No. PD 01-306

Appellant: Kroger Limited Partnership I

Request: Overturn the decision of the Memphis/Shelby County Land Use Control Board on 1/13/05 in which the Board rejected a proposed site plan for Kroger Fuel Center to be located in front of an existing Kroger Grocery Store

LUCB recommendation: REJECTION

OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**23 NOTICES MAILED ON MARCH 4, 2005**

29. RESOLUTION approving a planned development located on the northeast corner of Walnut Grove Road and Forest Hill-Irene Road, containing 8.69 acres in the Multiple Dwelling Residential (R-ML) District.

Peete

Case No. PD 04-379

Applicant: Boyle Investment Company  
Homer Branam, III – Representative

Request: Planned development to allow office and limited retail commercial uses in accordance with the Planned Commercial (C-P) District within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**54 NOTICES MAILED ON MARCH 4, 2005**

30. RESOLUTION approving a planned development located on the southeast corner of Kate Bond and Reese Road; north of I-240, containing 8.63 acres in Area B of the Kate Bond Planned Development (PD 04-345).

Peete

Case No. PD 04-380

Applicant: William H. Thomas, Jr.  
ETI (Dan Graddy) – Representative

Request: Amend Area B to permit two off-premise signs

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

**109 NOTICES MAILED ON MARCH 4, 2005**

31. RESOLUTION approving a planned development located on western terminus of Dexter Grove Drive; +277.53 feet west of Appling Road, containing 15 acres in the Agricultural (AG) District.

Peete

Case No. PD 04-381cc

Applicant: TR, LLC  
Al Yearwood/Terry Dan – Representatives

Request: A maximum of 92 Lots (Minimum Lot Size 4,000 square feet)

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**84 NOTICES MAILED ON MARCH 4, 2005**

32. RESOLUTION approving a planned development located on the southwest corner of Central Avenue and Rozelle Street, containing 0.642 acre in the Single Family Residential Historical Conservation (R-S8[HC]) District.

Peete

Case No. PD 04-382

Applicant: Patrick McDowell

Request: One single family home in the Single Family Residential Historical Conservation (R-S8[HC]) District

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**44 NOTICES MAILED ON MARCH 4, 2005**

33. RESOLUTION approving a planned development located on the northwest corner of Appling Road and Interstate Highway 40, containing 93.85 acres in an existing planned development – Whitten Business Park PD (PD 94-350cc).

Peete

Case No. PD 04-385

Applicant: Belz Investco, GP  
Ron Harkavy – Representative

Request: Amend the PD to 1) Amend Area A to include Office/Warehouse  
2) Create a new Area D to permit commercial uses 3) Amend Area C to permit business park uses 4) Change the name from Whitten Business Park to Appling Farms Business Park

LUCB and OPD recommendation: APPROVAL with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**205 NOTICES MAILED ON MARCH 4, 2005**

34. RESOLUTION approving a planned development located on the southeast corner of Morning Sun Road and U.S. Highway 64, containing 1.918 acres in the Agricultural (AG) District.

Peete

Case No. PD 04-386

Applicant: PPM Realty  
SR Consulting, LLC – Representative

Request: Planned Commercial (C-P) uses within a specific outline plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**66 NOTICES MAILED ON MARCH 4, 2005**

35. RESOLUTION approving an appeal located on the west side of Lamar Avenue (U.S. Highway 78); ±1,100 feet north of Holmes Road, containing 5.253 acres in the Vacant, Light Industrial (I-L) District.(Held from 1/18; 2/1)

Peete

Case No. S 04-054

Appellant: Summit Distribution Center, LLC  
Reaves Firm, Inc. – Harvey Marcom – Representative

Request: Appeal to overturn action of the Land Use Control Board, which requires the dedication and improvement of necessary right-of-way to accomplish the proposed improvements to U.S. Highway 78 (Lamar Avenue) in accordance with Subdivision Regulations as illustrated on the attached “Property Map” from the State of Tennessee Department of Transportation (TDOT) dated 6/27/03

LUCB and OPD recommendation: APPROVAL, with eight (8) conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**4 NOTICES MAILED ON JANUARY 7, 2005**

36. RESOLUTION approving a street/alley closure beginning approximately 143.88' north of Alston Avenue and 330 feet west of Porter Street and proceeding westerly 225 feet therefrom.

Peete

Case No. SAC 03-605

Applicant: New Mount Olive M.D. Church  
McCaskill & Associates (Tim McCaskill) – Representative

Request: Close Alley Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**36 NOTICES MAILED ON MARCH 4, 2005**

37. RESOLUTION approving a street/alley located between Georgia Avenue and west Carolina Avenue; +/-287.5 feet east of Kansas Street, containing 4,269 square feet in the Bluffview Residential (R-B) District.

Peete

Case No. SAC 04-623

Applicant: Southland Development Partners of Memphis  
W. H. Porter Consultants, PLLL – Representative

Request: Close and vacate Alley Street Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**7 NOTICES MAILED ON MARCH 4, 2005**

38. RESOLUTION approving a street/alley closure located between Georgia Avenue and west Carolina Street; +/-200 feet west of Florida Street, containing 4,269 square feet in the Bluffview Residential (R-B) District.

Peete

Case No. SAC 04-624

Applicant: Southland Development Partners of Memphis  
W. H. Porter Consultants, PLLL – Representative

Request: Close and vacate Alley Street Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**19 NOTICES MAILED ON MARCH 4, 2005**

39. RESOLUTION approving a street/alley closure beginning on the south line of Oakley Avenue and proceeding southwardly 206 feet therefrom, containing 0.26 acre.

Peete

Case No. SAC 04-625

Applicant: Rick Vollmer & John Hurdle  
Davis Engineering Company, Inc. – Representative

Request: Close Partial Street Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**40 NOTICES MAILED ON MARCH 4, 2005**

40. RESOLUTION approving a special use permit located on the east side of Laurie Lane; beginning 114.53 feet north of Brantford Road, containing 0.28 acre in the Single Family Residential (R-S10) District. (Held from 9/21;11/23;12/21;1/18;2/15)

Peete

Case No. SUP 04-208

Applicant: Margolin Hebrew Academy  
Ronald Harkavy – Representative

Request: Student Dormitory

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**60 NOTICES MAILED ON SEPTEMBER 10, 2004**

41. RESOLUTION approving a special use permit located on the southwest corner of Point Church Road and Ardmore Street, containing 2.04 acres in the Single Family Residential (R-S6) District.

Peete

Case No. SUP 04-226

Applicant: Behavioral Health Initiatives, Inc.  
Chere'Bradshaw (BHI – Memphis) – Representative

Request: Transitional Home

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**53 NOTICES MAILED ON MARCH 4, 2005**

**GENERAL ITEM**

**ADJOURNMENT**

42. RESOLUTION approving final plat of GRAY’S CREEK MEADOWS S/D.  
Consent Case No. S 04-059cc

Resolution approves the final plat located on the east side of Reed Hooker Road, south of U.S. Highway 64. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

43. RESOLUTION approving final plat of LARKIN/CLEVELAND SUBDIVISION.  
Consent Case No. S 04-043  
Contract No. CR-4929

Resolution approves the final plat located on the northwest corner of Larkin Avenue and North Cleveland Street. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

44. RESOLUTION proclaiming March 15, 2005 “Mrs. Paige Bennett Day”.  
Jones

ACTION REQUESTED: Adopt the resolution

45. RESOLUTION honoring the late J. P. Murrell.  
Consent

ACTION REQUESTED: Adopt the resolution

46. RESOLUTION approving final plat of WOODGLEN VILLAGE.  
Consent Contract No. CR-4930

Resolution approves the engineering plans located on the south side of Stage Road, east of Thomas Street. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

**ACTION TAKEN BY COUNCIL ON THIS DATE**

- 1. Public Hearing Set for April 5, 2005
- 2. Through 12 – Approved
- 13. Held until April 5, 2005
- 14. Through 26 – Approved
- 27. Approved
- 28. Held until April 5, 2005
- 29. Through 32 – Approved
- 33. Held until April 5, 2005
- 34. Approved
- 35. Held until April 19, 2005

- 36. Through 38 – Approved
- 39. Held until April 5, 2005
- 40. Approved, as amended
- 41. Through 46 – Approved

**ACTION TAKEN ON THE MINUTES OF MARCH 1, 2005**

Approved